

REMARKS

In the August 20, 2007 Office Action, claims 2-10 and 12-20 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the August 20, 2007 Office Action, Applicants have amended claims 2, 3, 5, 6, 9, 12, 16, 18 and 20 as indicated above. Specifically, Applicants have amended claims 2, 5, 12 and 20 to distinguish the prior art and amended claims 3, 6, 9, 16 and 18 to correct typographical errors. Applicants wish to thank the Examiner for the thorough examination of this application. Thus, claims 2-10 and 12-20 are pending, with claims 2, 5, 12 and 20 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Rejections - 35 U.S.C. § 103

In paragraphs 1-4 of the Office Action, claims 2, 3, 5, 6, 8, 9, 12-16, 18 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0078288 to Forbis et al. (hereinafter "Forbis et al. publication"), as supported by the Provisional Application No. 60390013, in view of U.S. Patent Application Publication No. 2002/0007340 to Isaf et al. (hereinafter "Isaf et al. publication"). Claims 4, 7, 10, 17 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Forbis et al. publication in view of the Isaf et al. publication, further in view of U.S. Patent Application Publication No. 2003/0018558 to Heffner et al. (hereinafter "Heffner et al. publication"). In response, Applicants have amended independent claims 2, 5, 12 and 20 as mentioned above.

Claims 2, 3, 5, 6, 8, 9, 12-16, 18 and 20

More specifically, independent claims 2 and 5 now recite displaying information to the ordering party prompting entry the commodity and *a price fluctuation amount* relating to at least one *cost parameter* of the commodity *other than a price of the commodity*, calculating a *monetary effect to the plurality of selling parties* for a case in which the price of the commodity is changed according to the price fluctuation amount, and sending the price revision to the plurality of selling parties for approval of the price revision. Independent claims 12 and 20 now recite displaying information to the ordering party prompting entry the commodity and *a price fluctuation amount* relating to at least one *cost parameter* of the commodity *other than a price of the commodity*, calculating a *monetary effect to the plurality of selling parties* for a case in which the price of the commodity is changed according to the price fluctuation amount, and presenting on the plurality of selling party terminals a display prompting the plurality of selling parties to approve the price revision. With such arrangements, the time and work associated with the price revision can be reduced and approval of the price revision can be urged quickly and automatically. This arrangement is *not* disclosed or suggested by the Forbis et al. publication, Isaf et al. publication or any other prior art of record.

Specifically, referring to paragraph [0077] of the Forbis et al. publication, the Forbis et al. publication merely discloses a difference between a new price and the last price paid. However, the Forbis et al. publication does *not* disclose *a price fluctuation amount* relating to at least one *cost parameter* of the commodity *other than a price of the commodity*. Furthermore, the Isaf et al. publication does *not* provide for the deficiencies of the Forbis et al. publication.

Moreover, independent claims 2 and 5 further recite executing the price revision to ***produce a revised order*** by the ordering party ***to the plurality of selling parties*** in compliance with information indicating that the plurality of selling parties has approved the price revision.

Referring to paragraph [0088] of the Isaf et al. publication, the Isaf et al. publication merely discloses a reverse auction model in which a buyer 26 wants to invite current suppliers/sellers 20 to competitively bid on a particular order. In other words, in the Isaf et al. publication, one of the suppliers/sellers 20 is chosen by the buyer 26 by the reverse auction. However, the Isaf et al. publication does ***not*** disclose executing the price revision to ***produce a revised order*** by the ordering party ***to the plurality of selling parties*** in compliance with information indicating that the plurality of selling parties has approved the price revision.

It is well settled in U.S. patent law that the mere fact that the prior art can be modified does ***not*** make the modification obvious, unless the prior art provides an ***apparent reason*** for the desirability of the modification. Accordingly, the prior art of record lacks any apparent reason, suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement of a price revising method or a price revising system.

Moreover, Applicants believe that dependent claims 3, 6, 8, 9, 13-16 and 18 are also allowable over the prior art of record in that they depend from independent claims 2, 5 and 12, and therefore are allowable for the reasons stated above. Also, dependent claims 3, 6, 8, 9, 13-16 and 18 are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in independent claims 2, 5 and 12, the prior art of record also fails to disclose or suggest the inventions as set forth in dependent claims 3, 6, 8, 9, 13-16 and 18.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of

the above comments and amendments.

Claims 4, 7, 10, 17 and 19

Applicants believe that dependent claims 4, 7, 10, 17 and 19 are also allowable over the prior art of record in that they depend from independent claims 2, 5 and 12, and therefore are allowable for the reasons stated above. Also, dependent claims 4, 7, 10, 17 and 19 are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in independent claims 2, 5 and 12, the prior art of record also fails to disclose or suggest the inventions as set forth in dependent claims 4, 7, 10, 17 and 19.

Moreover, the Heffner et al. publication does not remedy the deficiencies of the Forbis et al. publication and the Isaf et al. publication since the Heffner et al. publication merely disclose a system for online financial products trading having a GUI provided to a buyer.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments and amendments.

Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

Appl. No. 10/808,445
Amendment dated November 15, 2007
Reply to Office Action of August 20, 2007

Conclusion

In view of the foregoing amendment and comments, Applicants respectfully assert that claims 2-10 and 12-20 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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